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By ECF

Honorable Paul A. Engelmayer,
Thurgood Marshall United States Courthouse,
40 Foley Square,
New York, New York 10007-1312.

Re: *Shak v. JPMorgan Chase & Co.*, No. 15-cv-992 (S.D.N.Y.);
Wacker v. JPMorgan Chase & Co., No. 15-cv-994 (S.D.N.Y.);
Grumet v. JPMorgan Chase & Co., No. 15-cv-995 (S.D.N.Y.).

Dear Judge Engelmayer:

On behalf of all Parties in the above-captioned actions, we write pursuant to Rule I.E. of Your Honor's Individual Rules and Practices in Civil Cases ("Individual Rules") to respectfully request a modification to the Civil Case Management Plan and Revised Scheduling Order, dated August 10, 2017 (the "Scheduling Order"). Specifically, the Parties propose the following modifications:

Requests to Admit. Under Section 7(d) of the Scheduling Order, requests to admit are to be served no later than December 8, 2017. The Parties agree that because the final fact deposition in this case is not scheduled until December 21, 2017,¹ the deadline for requests to admit should be extended until January 5, 2017.

Expert Discovery. Under paragraph 8 of the Scheduling Order, expert discovery is currently scheduled to be complete by January 22, 2018. The Parties agree that an extension is warranted because (a) expert discovery will require complex analysis of voluminous transactional data, some of which will not be available to the Parties until this week, and (b) the current schedule includes the winter holidays, disrupting the Parties' ability to progress their expert work. However, the Parties disagree on the length of extension that is required, and whether Plaintiffs should be entitled to rebuttal reports. The Parties' respective scheduling proposals are as follows:

Plaintiffs' Proposal:

Plaintiffs' expert report(s): January 19, 2018.

Defendants' expert report(s): March 1, 2018.

Plaintiffs' rebuttal report(s): March 16, 2018.

Completion of all expert discovery, including depositions: April 6, 2018.

¹ In order to accommodate the schedules of the Parties, their counsel, and deponents (two of whom are third parties and a third who lives in London), the Parties have agreed to hold the following depositions after the December 8, 2017 fact discovery deadline: Defendants' depositions of Mark Grumet (December 12) and SHK Diversified, LLC (December 14), and Plaintiffs' depositions of Peter Neumann (December 14), Christian Trunz (December 19) and Blythe Masters (December 21).

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Defendants' Proposal:

Plaintiffs' expert report(s): January 19, 2018.

Defendants' expert report(s): March 1, 2018.

Completion of all expert discovery, including depositions: March 22, 2018.

Request for Pre-Motion Conference Related to Summary Judgment.

Under paragraph 9 of the Scheduling Order and Rule 3.H. of Your Honor's Individual Rules, if any Party wishes to move for summary judgment, it must file a three-page letter requesting a pre-motion conference by December 22, 2017. The Parties respectfully submit that in this antitrust case, the grounds for summary judgment will be most efficiently determined after expert discovery is complete. Accordingly, the Parties propose that the deadline for the pre-motion letter concerning summary judgment be postponed until 14 days following the close of expert discovery.

Post-Discovery Settlement Conference and Private Mediation. Under Rule 3.G of Your Honor's Individual Rules, the Parties are required by December 22, 2017 to state whether they consent to a settlement conference before the Court. Similarly, paragraphs 10 and 11 state that the parties will hold a private mediation and meet to discuss settlement no later than December 22, 2017. The Parties respectfully state that both Parties do not consent to a settlement conference before the Court at this time. Instead, the parties submit that settlement discussions would be most efficient following expert discovery, and accordingly, propose to hold a private mediation to discuss settlement within 28 days following the close of expert discovery.

No prior requests for adjournments of these deadlines have been made. The Parties appreciate Your Honor's attention to this matter.

Respectfully submitted,

/s/ Amanda F. Davidoff

Amanda F. Davidoff
Counsel for Defendants

/s/ David E. Kovel

David E. Kovel
Counsel for Plaintiffs

cc: All counsel of record (via ECF)

12/13/17

Granted. Court extends the deadline for requests to admit to January 5, 2018. The Court extends the deadline for plaintiff's expert report(s) to January 19, 2018, for defendants' expert report(s) to March 1, 2018, and for the completion of all expert discovery, including depositions, to March 22, 2018. A premotion conference must be requested by April 5, 2018.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge